

DELEGATE SCANLAN: Reluctantly the sponsors of the original Scanlan amendment have parted their ways and we now have the Moser amendment which, if it prevails, will fill the void that I had removed in the amendment that passed this house over three and a half hours ago.

I thought by offering that amendment to strike we could cut down some of the debate, but debate was repeated. We now have an amendment that does precisely what the Court of Appeals and the legislature could do if nothing were in the Constitution. It gives some solace to people to put something in the Constitution.

THE CHAIRMAN: The question is not now arising on the adoption of this amendment, but merely on the substitution of Amendment 13-C for 13-B. If it is substituted, the Chair will then submit the question of whether it should be adopted.

DELEGATE SCANLAN: There are so many substitutions, I thought some of the delegates would have lost track of the actual parliamentary situation. I know I have.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman and ladies and gentlemen, I rise to oppose the substitute amendment to the amendment. I think that Delegate Scanlan has put his finger on just exactly what problems we will face if we adopt Delegate Moser's amendment to his own amendment, which we just adopted.

You will recall that the Kiefer and Willoner amendment was a rather broad and general right of removal. Delegate Moser's amendment, 13-B, curtails that right somewhat and was a compromise, and then was adopted by this body, and I think rightfully so.

Now, the Amendment 13-B further curtails the right of removal so that it could create in effect absolutely no right of removal at all. When I say that I mean absolutely no right of removal for all practical purposes. It naturally follows that if we adopt 13-B, Delegate Scanlan is going to have one heck of an argument to get up and say, I move that we eliminate 13-B because that is exactly what the legislature and the courts could do if we did not have it in the first place. Because I am right, because this body has said that we shall have a right of removal in our Constitution, and because of what Delegate Henderson has said, I submit that this does not curtail the right of the legislature and

the right of the court to regulate this right of removal.

I urge that we defeat this substitute amendment that is before us and then adopt by affirmative action the amendment we have previously approved before the luncheon break.

THE CHAIRMAN: Is there any further discussion on the question before you which is the adoption of Amendment No. 13-C as a substitute for Amendment 13 or 13-B.

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 13-C as a substitute for Amendment No. 13 to Committee Recommendation R&P-2 as amended by Amendment No. 13-B. This is not a vote on the adoption of Amendment 13-C, but only on the question of substitution. After that, the principal question will be submitted to you. A vote now is a vote on the adoption of Amendment No. 13-C as a substitute for 13-B. A vote Aye is a vote in favor of the amendment. That is a vote in favor of the substitution. A vote No is a vote against the substitution.

Cast your votes.

Have all delegates voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 77 votes in the affirmative and 50 in the negative, the motion carries. Amendment No. 13-C is now substituted for Amendment No. 13 as amended by Amendment No. 13-B.

The question now arises on the adoption of Amendment No. 13 as amended by Amendment No. 13-C to Committee Recommendation R&P-2. Are you ready for the question?

*(Call for the question.)*

The vote now is on the adoption of the language as in new section 8, which appears in Amendment No. 13-C. A vote Aye is a vote in favor of Amendment No. 13 as amended by Amendment No. 13-C. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?